

### REMARKS

The comments of the applicant below are each preceded by related comments of the examiner (in small, bold type).

#### **Detailed Action**

**1. This action is final.**

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**6. Claims 36-36 are allowed.**

The applicant has cancelled the rejected claims.

**Claims 15-28, 36-38 are rejected under the judicially created doctrine of obviousness- type double patenting as being unpatentable over claims 1-14 of U.S. Patent No. 6725,973.**

**Although the conflicting claims are not identical, they are not patentably distinct from each other because they are obvious variations of breadth and scope.**

A terminal disclaimer is being filed with this response.

**3. Claims 15-19 and 23 is rejected under 35 U.S.C. 102(b) as being anticipated by Helter (3,565,213).**

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**5. Claims 16-18, and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heller (3,565,213).**

The rejected claims have been cancelled and will be prosecuted in a continuing application. However, the applicant notes that the examiner's rejection of these claims addresses the claims as they stood as of the response filed January 13, 2006. There is no indication that the examiner considered the amendments to these claims in the response filed on June 27, 2006. The applicant requests that proper action be taken on the claims in their amended form in the continuing application.

Canceled claims, if any, have been canceled without prejudice or disclaimer.

Any circumstance in which the applicant has (a) addressed certain comments of the examiner does not mean that the applicant concedes other comments of the examiner, (b) made arguments for the patentability of some claims does not mean that there are not other good reasons for patentability of those claims and other claims, or (c) amended or canceled a claim does not mean that the applicant concedes any of the examiner's positions with respect to that claim or other claims.

Applicant : Timothy L. Coder et al.  
Serial No. : 10/717,752  
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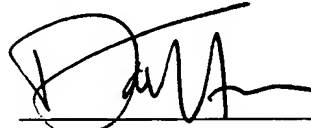
Attorney's Docket No.: 16076-002002

No fees are believed due at this time. Please apply any charges or credits to deposit account 06-1050, reference 16076-002002.

Respectfully submitted,

Date: \_\_\_\_\_

2/30/6



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